

## Framingham Planning Board

Memorial Building • Room 205 • 150 Concord Street  
Framingham, MA 01702-8373  
(508) 532-5450 • [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



PERMIT | FRAMINGHAM  
plan • build • grow



2016 NOV 22 A 9:09

TOWN CLERK

Town Clerk Stamp

### Planning Board Members

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

### Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator  
Raphaela Morais-Peroba, Community Outreach Coordinator

## TOWN OF FRAMINGHAM - PLANNING BOARD

### Notice of Decision

on the Application of The Town Of Framingham, Public Works  
for the Properties Located at 20 & 22 Indian Head Heights  
Decision dated November 21, 2016

On August 29, 2016, the Town of Framingham, Public Works filed with the Planning Board, and on August 29, 2016, the Planning Board filed with the Town Clerk applications for Major Site Plan review and a Special Permit for Land Disturbance for the removal of the existing water tank and the construction of two new water tanks with associated landscaping, utility and roadway improvements. The property is located at 20 & 22 Indian Head Heights, zoned as Single Family Residential (R-3) and Framingham Assessor's Parcel IDs: 080-77-6278-000 and 080-77-4301-000.

After the notice of the public hearing was published in "The MetroWest Daily News" on September 1, 2016 and September 8, 2016 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on September 15, 2016 at 7:00 pm in the Ablondi Room, Memorial Building, Framingham. Continued public hearings were held on November 7, 2016 and November 21, 2016.

On November 21, 2016, 2016 the Planning Board **APPROVED** the applications for Major Site Plan Review and a Special Permit for Land Disturbance for the property located at 20 & 22 Indian Head Heights and a **DECISION** was filed in the office of the Town Clerk on November 22, 2016.

*Christine Long, Chair*  
**FRAMINGHAM PLANNING BOARD**

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

**Framingham Planning Board**

Memorial Building • Room 205 • 150 Concord Street  
Framingham, MA 01702-8373  
(508) 532-5450 • [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



**PERMIT | FRAMINGHAM**  
plan • build • grow



2016 NOV 22 A 9:09

TOWN CLERK  
FRAMINGHAM

Town Clerk Stamp

**Planning Board Members**

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

**Planning Board Staff:**

Amanda L. Loomis, AICP, Planning Board Administrator  
Raphaella Morales-Peroba, Community Outreach Coordinator

**TOWN OF FRAMINGHAM - PLANNING BOARD****Notice of Decision**

**on the Application of The Town Of Framingham, Public Works  
for the Properties Located at 20 & 22 Indian Head Heights  
Decision dated November 21, 2016**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that in the applications of Major Site Plan review and a Special Permit for Land Disturbance for the removal of the existing water tank and the construction of two new water tanks with associated landscaping, utility and roadway improvements. The property is located at 20 & 22 Indian Head Heights. The opening public hearing was held on September 15, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on September 1, 2016, 2016 and September 8, 2016. Continued public hearings were held on November 7, 2016 and November 21, 2016. The Planning Board APPROVED said applications on November 21, 2016 and the decision was filed in the Office of the Town Clerk on November 22, 2016. For additional information please see the Planning Board's webpage at [www.framinghamma.gov](http://www.framinghamma.gov).

***Christine Long, Chair***

**FRAMINGHAM PLANNING BOARD**

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

## Framingham Planning Board

Memorial Building ▪ Room 205 ▪ 150 Concord Street  
Framingham, MA 01702-8373  
(508) 532-5450 ▪ [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



PERMIT | FRAMINGHAM

plan ▪ build ▪ grow



### Planning Board Members:

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

**DECISION OF THE FRAMINGHAM PLANNING BOARD  
ON THE APPLICATION OF THE TOWN OF FRAMINGHAM, PUBLIC WORKS  
FOR THE PROPERTIES LOCATED AT 20 & 22 INDIAN HEAD HEIGHTS  
DECISION DATED NOVEMBER 21, 2016**

THIS DECISION WAS GRANTED UNDER THE APRIL 2016 FRAMINGHAM ZONING BY-LAW

### General Property Information

Project Number: PB-017-16  
Property Address: 20 & 22 Indian Head Heights  
Assessor's Information: 080-77-6278-000 and 080-77-4301  
Zoning District: Single Family (R-3) Zoning District

### Application Information

Application(s): Major Site Plan Review (Section VI.F) and Special Permit for Land Disturbance (Section V.F)  
Sections of the Framingham Zoning By-Law under review: Major Site Plan Review (Section VI.F) and Special Permit for Land Disturbance (Section V.F)  
Date application(s) were filed with the Planning Board: August 29, 2016  
Date application(s) were filed with the Town Clerk: August 29, 2016

### General Project Contact Information

Applicant Name: Town of Framingham, Public Works  
Applicant Address: 100 Western Ave, Framingham, MA 01702  
Landowner Name: Town of Framingham, Water Department  
Landowner Address: 100 Western Ave, Framingham, MA 01702  
Project Contact Name: Ashley Dunn, Senior Water & Wastewater Engineer, Town of Framingham  
Engineer and Engineer Company: Amy Copper-Costantino, Wright Pierce, 40 Shattuck Rd, Suite 305, Andover, MA

### Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) September 1, 2016 and (7 days prior) September 8, 2016  
Date of abutter/7 Abutting municipalities/parties of interest mailing: August 31, 2016  
Date of opening public hearing: September 15, 2016  
Date(s) of continued public hearings: November 7, 2016 and November 21, 2016  
Applicant's Representatives in attendance at the Public Hearing(s): Ashley Dunn, Senior Water & Wastewater Engineer, Department of Public Works; Robert Williams; Property Manager; and Amy Coppers-Costantino, P.E., Wright Pierce  
Planning Board members in attendance at the public hearing(s): Christine Long, Chair; Lewis Colten (absent on November 7, 2016 - the Mullin Rule was filed with the Town Clerk on November 17, 2016), Vice-Chair; Victor Ortiz, Clerk; Thomas Mahoney; and Stephanie Mercandetti.

2016 NOV 22 A 9:09  
TOWN CLERK  
FRAMINGHAM

### **TECHNICAL REVIEW TEAM MEETING**

On May 19, 2016, the Technical Review Team (TRT) reviewed the project at 20-22 Indian Head Heights.

Technical Review Team Members Present: Amanda Loomis, Planning Board; Tam Ngnyen, Department of Public Works; Joseph Stefanini, Department of Public Works; Michael Tusino, Department of Inspectional Services (Building Department); Will Naser, Accessors Department; Robert McArthur, Conservation Commission; Michael Blanchard, Board of Health; Sam Scoppettone, Community & Economic Development; and Marianne Iarossi, Community & Economic Development

Present for the Applicant: Ashley Dunn, Department of Public Works; Blake Lukis, Department of Public Works; and James Barsanti, Department of Public Works

### **PLANNING BOARD APPROVAL INFORMATION**

Date of Plan reviewed and approved by the Planning Board: August 11, 2016

### **PROJECT DESCRIPTION**

The Project at 20-22 Indian Head Heights, presented by the Department of Public Works, includes the razing of the existing water storage tank and the construction of two water tanks equal in capacity in its place. The project also includes utility and roadway improvements to be made to the adjacent access road on Indian Head Heights. The Project is located in the Single Family (R-3) Zoning District.

### **HEARING**

The Framingham Planning Board held a total of three public hearings (September 15 (continued without testimony), November 7, and November 21, 2016). Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair; Lewis Colten (absent on November 7, 2016 – the Mullin Rule was filed with the Town Clerk on November 17, 2016), Vice-Chair; Victor Ortiz, Clerk; Thomas Mahoney; and Stephanie Mercandetti.

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Ashley Dunn, Senior Water & Wastewater Engineer, Department of Public Works; Amy Coppers-Costantino, Lead Project Engineer, Wright-Pierce; and Robert Williamson, Senior Project Manager, Wright-Pierce

During the course of the public hearing process, the Planning Board took under advisement all information received from members of the public who provided input during the review of the Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials, and members of the public. Findings made from the application and public hearing process resulted in the development of the conditions contained within this Decision.

### **Summary of Minutes**

Ms. Dunn and Ms. Coppers-Costantino presented the project to the Planning Board, specifically highlighting the existing conditions, the proposed conditions, the need for two tanks to replace the existing tank to meet planned water capacity to the community, landscaping, roadway improvements and the replacement of the existing fencing.

The Planning Board made the following comments:

- Christine Long requested clarification as to the size of the site and if any consideration was given to an increased capacity for each new tank for future purposes. Ms. Coppers-Costantino stated that the site was approximately 161,000 sf and that the storage capacity in gallons is more than enough capacity to serve the Town's needs for many years to come.
- Thomas Mahoney inquired about the life expectancy of the tank. Ms. Coppers-Costantino stated that the average life of a water tank is approximately 50 years but has seen tanks last longer by applying recommended regular maintenance practices. Mr. Mahoney requested clarification for the other proposed site and roadway improvements.
- Victor Ortiz inquired about the width of the drive and if an additional curb cut or widening of the curb cut was necessary.
- Stephanie Mercandetti requested clarification regarding the second gate located to the south of the tank.
- Ms. Long requested information regarding the estimated cost of the project and the timeline for construction. Ms. Long further stated that she was glad to hear that the roadway would be repaired when the project is completed since many complaints had been registered by neighbors over the last few years about the need to address road repairs and winter icing issues.

## **FINDINGS**

Having reviewed the application, plans, and reports filed by the Applicant and its representatives; having considered the correspondence from the Department of Public Works, the Department of Inspectional Services (Building Department), the Fire Department, the Department of Community & Economic Development, and the Police Department within the Town of Framingham; and having considered testimony from members of the public and having reviewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law, including the requirements of Sections V.F, VI.E, and VI.F , of the Framingham Zoning By-Law. Specifically, the Planning Board makes the following findings:

### **1. Table of Uses and Required Permits**

- 1.1 Section II.B.3.B. Municipal water towers and reservoirs are a permitted by-right use in the Single Family (R-3) Zoning District.
- 1.2 The Applicant filed applications for Major Site Plan Review, Section VI.F of the Framingham Zoning By-Law; and a Special Permit for Land Disturbance, Section V.F of the Framingham Zoning By-Law on August 29, 2016.
- 1.3 Advertisement for the project was placed in the MetroWest Daily Newspaper on Thursday, September 1, 2016 and Thursday, September 8, 2016. The opening public hearing was held on September 15, 2016 and continued without testimony at the request of the applicant to Monday, November 7, 2016.

### **2. Section VI.F –Site Plan Review**

#### **2.1 Retain Community Character**

1. The existing water tank is approximately 56' in height. The two new water tanks will be constructed at approximately 50' in height.

2. The tanks will be screened from abutting properties to the greatest extent possible and it is understood that water tanks cannot be blended into the abutting residential properties due to the nature and design of these utilities.
3. The project will be screened with new fencing and landscaping that includes the following trees: Sugar Maples, American Beech, White Pines, American Hop Hornbeam, White Oak, and Common Juniper all of which are predominately native species.
4. The site is enclosed by an 8' high natural wood stockade fence and a 7' high chain linked fence with 3-strands of barb wire on the south, west, and north sides of the water tank site.
5. All of the existing fencing shall be removed and replaced with a 8' high natural wood stockade fence along Indian Head Heights, an 8' high natural wood stockade fence on the south side of the water tank site, a 7' high chain linked fence with 3 strands of barb wire along the west and north side of the site. The proposed chain linked fence posts, rails, and fabric will be PVC color coated (black/forest green) that will blend in with the natural surroundings.
6. The Applicant held a neighborhood meeting in February of 2016.

## 2.2 Traffic, Parking, and Public Access

1. The Applicant has requested a waiver from the submittal of a Traffic Impact Report, given that levels of levels of traffic from existing conditions will not change.
2. The existing site does not include defined off-street parking and the Zoning By-Law does not require parking for Municipal Water Towers.
3. The Applicant has requested a waiver from the requirement of a Parking Impact Report.
4. The existing site does not provide formal circulation of the existing water tanks for vehicles.
5. The project will include the construction of an access driveway to the site and a track around the exterior of the tank that will be paved for access of Town personnel only. Town personnel site visits will be for water sampling and regular maintenance activities.
6. Although no formal parking will be provided post-construction, parking will be available on paved areas.

## 2.3 Environmental Impact

1. The Applicant has requested a waiver from the Environmental Impact Report. The Applicant stated that the project consists of the replacement of an existing water storage tank.
2. An environmental assessment was conducted to evaluate if the project was subject to wetlands permitting or located within an area of historical significance. The findings from the environmental assessment determined that the site is not located within a wetlands resource area or buffer zone of a resources area, nor located within a floodplain. Furthermore, Massachusetts Historical Commission determined that the project will have no impacts to historic or archeological resources.
3. Best Management Practices (BMP) have been incorporated into the project both during construction and post –construction that will manage earthwork, stormwater, and groundwater.
4. The project includes the use of Low Impact Development (LID) techniques to manage stormwater flow. LID techniques will minimize the disturbance footprint by reducing the impervious cover, decreasing the widths of the pavement, the installation of native species platings, and preserving existing vegetated buffers.

5. Geotechnical evaluations that were conducted as part of the preliminary design for the project indicated that bedrock is not likely present. Therefore, blasting activities are not expected during construction.
6. The westerly lot will need to be cleared and grubbed. Both lots will be graded and excavated down to approximately 323' from the current elevation of approximate 338'. Approximately 13,000 cubic yards of soil will need to be excavated; where possible the Applicant will utilize this soil on-site. Once the water tanks are constructed the area around the tanks will be backfilled with gravel to an elevation of 330'. Once completed a driveway and access road around the tanks will be paved to allow for maintenance and facility operations.
7. Stormwater that flows from the site will be conveyed to two extended dry detention basins via overland flow or deep sump catch basins, prior to discharging into a deep sump catch basin and then discharging into the municipal storm sewer system. All drainage piping and structures located within Indian Head Heights from the site to Indian Head Road will be replaced.

#### 2.4 Health

1. The Project is not expected to pose adverse air-quality, noise, glare, and/or odors.
2. The Project does not intend to create a hazard to abutters, vehicles, and/or pedestrians.
3. The Applicant shall dispose of any hazardous materials and/or transmissions of same in an appropriate manner.

#### 2.5 Public Services and Utilities

1. The Applicant has requested a waiver from the sewer and water reports given the nature of the project.
2. The purpose of the project is to replace the Town's existing 3.5 million gallon Indian Head Heights water storage tank.
3. The existing water tank holds 3.5 million gallons and is one of six water storage tanks in the Town's water storage system.
4. The existing tank is approximately 75 years old and is lacking the required personnel safety and access devices, and is not in compliance with current seismic code.
5. The existing water tank will be removed and replaced with two storage tanks that are 1.75 million gallons each. The construction of two water tanks allows for one water tank to be taken off-line for service if needed, while maintaining level service.

#### 2.6 Land Use Planning

1. The project has been designed to install native and/or drought tolerant plants.
2. The project is a Town project that has been designed by the Department of Public Works and their consultants to ensure that future water demands are met by the proposed water tank capacity.
3. The roadway within the property and Indian Head Heights will be repaved to ensure safe access to the water tanks.

### 3. Section V.F – Land Disturbance

#### 3.1 Site Management and Control

1. The project will take approximately 15 weeks to construct one of the two concrete water storage tanks, which does not include the razing of the existing water tank, site work, amenities, and punch list. The construction of one tank will allow the Town to keep the

existing tank in operation. Once the first tank has been constructed, the second tank will be constructed. The estimated total time will be approximately two to two and a half years.

2. The Applicant has provided a conceptual construction sequence for the project that includes the construction of drainage improvements along Indian Head Heights prior to the clearing, excavation, staging, and site leveling.
3. A National Pollution Discharge Elimination System (NPDES) Construction General Permit will be prepared and submitted as part of the project.
4. The project has been designed to incorporate Best Management Practices (BMP) that will be implemented during construction to manage earthwork, stormwater, and groundwater.
5. The Applicant has prepared a Demolition Plan (Sheet C-4) that includes the use of silt fencing, temporary straw bale sediment basin, erosion control matting for the slopes, stone check dams, and rip rap slope protection. Furthermore, Erosion Control Notes and Details (Sheet C-11) provides full details regarding the various erosion control methods that will be utilized during construction which are consistent with BMP.

### 3.2 Control of Stormwater Runoff

1. The Applicant's project engineer has developed a Long-term Pollution Prevention and Operation & Maintenance Plan in accordance with the Massachusetts Stormwater Rules & Regulations. The plan requires regular inspections and maintenance for the long term effectiveness and prevention of soil erosion and stormwater runoff.
2. The project includes the installation of deep sump hooded catch basins and drain manholes which shall be inspected at a minimum of four times per year. Furthermore, the project includes the installation of extended dry detention basins that shall be inspected at least once per year to ensure that the basins are in proper operations.
3. The project has been designed to ensure that there will be no adverse impacts to the groundwater resources or runoff onto abutters' properties during and post- construction. The site is located upon a hill and is one of the highest points within the Town. The project has been designed to manage stormwater and erosion control on-site.

### 3.3 Protection of Natural Features and Vegetation

1. To the best of the Applicant's knowledge the property does not contain any endangered species and/or wildlife habitats and/or wildlife corridors.
2. The project has been designed to use screening to obscure the view of the water tanks to the greatest extent possible. The two new water tanks are several feet less in height than the existing water tank.
3. The addition of the second water tank will require clearing of the property. The Applicant has prepared a landscape plan that includes the installation of native and/or drought tolerant plantings.

### 3.4 Protection of Natural Resources

1. The Applicant has worked with the Massachusetts Historical Commission and it was determined that the project will have no impacts to historic or archeological resources.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, the site plan and the proposed project is consistent with the requirements of Section II.B, V.F, and VI.F of the Framingham Zoning By-Law and complies with the requirements thereof.

## **CONDITIONS OF APPROVAL**

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Town's By-Laws relevant to this review. Accordingly, the Planning Board votes are pursuant to relevant provisions of the Town's By-Laws. Therefore, said approval from the Planning Board is subject to the following conditions:

### **General Provisions**

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator, Building Commissioner, and the Town Engineer to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given written notice within not less than 48-hours. If activity on the Property ceases for a period of longer than 30 days, then written notice shall be given within not less than 48 hours to the Planning Board Office prior to restarting work.
3. Prior to the commencement of authorized site activity the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property in a location that is highly visible.
5. Prior to the issuance of any Building Department permit, an electronic copy of the approved Site Plan shall be provided to the Planning Board Office for distribution to Town Departments in order to be reviewed for compliance with this Decision. The Site Plan shall be revised if necessary to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedence.
6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs and/or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations, and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with M.G.L., c. 40A, Section 17. The Applicant shall submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. This approval for a Major Site Plan Review and the Special Permit for Land Disturbance shall lapse within three years from the date the Decision is recorded at the Middlesex South Registry

of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.

10. The failure to comply with the Framingham Zoning By-Laws, Framingham General By-Laws, and/or the terms of this Decision may result in revocation of the permit for Major Site Plan Review and Special Permit for Land Disturbance issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the Framingham Zoning By-Laws, the Framingham General By-Laws, the Planning Board Rules & Regulations, and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it. Alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.

#### **Site Construction**

11. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.
12. Outside construction hours are limited to 7:00 AM - 5:30 PM Monday through Friday and 8:00 AM - 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or holidays. No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours. No vehicles are to arrive at the construction site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets.
13. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.
14. In the event of blasting or compaction during the construction phase, the Developer's Blasting Operator shall provide no less than ten days' advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection pursuant to Massachusetts Comprehensive Fire Code: 527 CMR 1.00 et seq.
  - a. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department.
  - b. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowable by regulation, shall be mailed to the above-referenced property owners, Planning Board and the Framingham Fire Department at the termination of blasting operations.
  - c. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property.
15. The Developer's Blasting Operator shall post a Blasting and/or Compaction Notice Sign in a conspicuous location along the roadway to inform the public of the proposed blasting for the

property. Applicant shall notify all abutting residents of such blasting and/or compacting event at the time said notice is posted in a conspicuous location.

16. Said Blasting Notice Sign shall be posted at least ten days prior to any blasting on-site and abutters notified by mail within 500' of the property. The Developer's Blasting Operator shall encourage the abutting properties within 500' of the property boundaries to have their homes inspected at the expense of the Applicant prior to the commencement of blasting and/or compaction. Such reports shall be provided to the Developer's Blasting Operator prior to the commencement of blasting.

#### **Environment**

17. The stormwater drainage system for the Project shall be in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy relating to water quality and flood control using Best Management Practices as the standard of performance.
18. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
19. The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event a multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
20. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.
21. The Applicant shall provide straw wattles and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from getting onto the public way.

#### **Site Development**

22. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.

#### **Snow Storage**

23. Snow storage shall not obstruct sight lines so as to preserve public safety.
24. The Applicant and/or the owners agree(s) not to store snow at the entrance of the access driveway, nor will the snow be stored to create sheet flow during snow melt.

#### **Special Provisions/Periodic Conformance Reporting and Review**

25. The Applicant shall provide the following performance guarantees for the Project.
  - a. Upon completion of the project and prior to the request for a final use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Plans" which shall be reviewed by the Planning Board Administrator, for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan, at which time a Landscape Maintenance Bond shall be required. Upon completion of the project and prior to the request for a final use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Plans" which shall be reviewed by the Planning Board Administrator, for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan, at which time a Landscape Maintenance Bond shall be required.

26. Prior to the issuance of a final use and occupancy permit, the Applicant shall submit an as-built plan stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plan in a form acceptable to the Town of Framingham, Department of Public Work's Engineering & Transportation Division (DPW). The as-built plan shall be submitted in both hard copy and electronic formats (PDF and AutoCAD). The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Town of Framingham DPW. The plan shall include, but not be limited to, site utility improvements and tie-in dimensions to all pipes and connection points. The as-built information shall be delivered to DPW a minimum of 5 business days in advance of the Applicant seeking a final certificate of occupancy sign-off to allow time for DPW review and approval of submitted information. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.
27. The Applicant will ensure long term maintenance of the fences. In the event that a fence becomes damaged and/or worn and fails to serve its purpose, the Applicant shall repair and/or replace the fence at the earliest time possible.
28. The Applicant agrees to maintain the landscaping in good condition. In the event that additional trees can be installed upon the site without creating an issue to access or maintenance of the water tanks the Applicant will install additional deciduous trees upon the site.
29. The Applicant agrees to amend the Site Plan dated August 11, 2016 as follows: removal of the monopole. Furthermore, the Applicant shall use straw and not hay – any reference to "hay" shall be replaced with "straw" or like material.

#### **WAIVER REQUESTS**

The Applicant has requested waivers from the following submittal items:

- Section 21.1.1.6 of the Planning Board Rules & Regulations – Registered Architect stamp and signature.
- Section 21.1.1.8 of the Planning Board Rules & Regulations - Parking Table, showing the existing number of parking spaces, required number of parking spaces, and the proposed number of parking spaces. This Table shall include the dimensions of the proposed parking spaces, number and dimensions of the handicap accessible spaces, and number and dimensions of loading spaces.
- Section 21.1.1.9 of the Planning Board Rules & Regulations - Maximum seating capacity, number of employees, or sleeping units if applicable.
- Section 21.1.3.3 of the Planning Board Rules & Regulations - A photometric plan showing both the intensity of illumination expressed in foot-candles at ground level to the property's boundaries and the location, orientation, height, wattage, type, style, and color of outdoor luminaire(s) for all existing and proposed lighting. Photometric plan and details should be designed in accordance the Article 22: Site Plan Review Lighting Requirements, in the Planning Board's Rules and Regulations, herein.
- Section 21.1.3.6 of the Planning Board Rules & Regulations - Parking Plan showing the drive aisle widths, turning radius, stall heights and widths, locations of pedestrian and bicycle amenities, and landscaping

- Section VI.F.4.a.2) of the Framingham Zoning By-Law - A written summary, where appropriate, detailing the following: The number of dwelling units to be built and the acreage in residential use; The number of seats and/or number of employees; Evidence the project is in compliance with the Town's off-street parking and off-street loading requirements; The forms of ownership of the property; and A summary of the provisions for ownership and maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this By-law.
- Section VI.F.4.a.7) of the Framingham Zoning By-Law - A written report of the existing and/or proposed sewer service infrastructure on-site and connection points. The report shall include a detailed description of the conditions of the pipes; a video inspection where appropriate and/or necessary; a detailed description of the anticipated impact of the project on the Town's sanitary, stormwater, and sewer infrastructure. Where such determinations cannot be made at the time of application, the report shall indicate what investigations must be undertaken by the Applicant to make such determinations; also, a timeline for completion of the report shall be submitted for review by the Department of Public Works.
- Section VI.F.4.a.10) A written Parking Impact Report shall be submitted detailing the existing and proposed parking for the project including the following: Existing off-site neighborhood parking conditions, including identification of streets likely to be affected by the project; Projected impact of project; and Proposed methods to mitigate the estimated adverse impacts cause by the project related to parking such as promoting the use of bicycles, public transportation, or other appropriate means.
- Section VI.F.4.a.11) of the Framingham Zoning By-Law – A written Traffic Impact Report shall be submitted for all projects requiring **major** site plan review. This report shall include existing pedestrian and vehicular traffic volume, composition, peak hour levels, existing street and sidewalk capacity, and analysis of existing and resulting level of services (LOS)
- Section VI.F.4.a.12) of the Framingham Zoning By-Law - A written Environmental Impact Report, including a Stormwater Report, and a Stormwater Management System Maintenance Report shall be submitted for projects requiring **major** site plan review, new construction of a building of any size, and/or installation of a stormwater management system

### **Waiver Motions and Votes**

The Planning Board voted five in favor, zero opposed, and zero in abstention to allow the requested relief from Sections 21.1.1.6, 8, and 9 of the Planning Board Rules & Regulations, Sections 21.1.3.3, and 6 of the Planning Board Rules & Regulations, and Sections VI.F.4.a.2), VI.F.4.a.7), VI.F.4.a.10), VI.F.4.a.11), and VI.F.4.a.12) of the Framingham Zoning By-Law for the application submittals for the project located at 20 & 22 Indian Head Heights.

#### **Waiver Requests from Sections 21.1.1.6, 8, and 9 of the Planning Board Rules & Regulations, Sections 21.1.3.3, and 6 of the Planning Board Rules & Regulations, and Sections VI.F.4.a.2), VI.F.4.a.7), VI.F.4.a.10), VI.F.4.a.11), and VI.F.4.a.12) of the Framingham Zoning By-Law**

Christine Long.....yes  
Lewis Colten.....yes  
Victor Ortiz.....yes  
Thomas Mahoney.....yes  
Stephanie Mercandetti.....yes

### **VOTES**

The Planning Board voted five in favor, zero opposed, and zero in abstention to grant an approval with conditions for a Special Permit for Land Disturbance for the land disturbance activities associated with the construction of the two 1.75 million gallon water tanks and associated site improvements for the property located at 20 & 22 Indian Head Heights.

#### **Special Permit for Land Disturbance (Section V.F of the Framingham Zoning By-Law)**

Christine Long.....yes  
Lewis Colten.....yes  
Victor Ortiz.....yes  
Thomas Mahoney.....yes  
Stephanie Mercandetti.....yes

The Planning Board voted five in favor, zero opposed, and zero in abstention to grant an approval with conditions for the Major Site Plan Review application for the construction of two 1.75 million gallon water tanks and associated site improvements for the property located at 20 & 22 Indian Head Heights.

#### **Major Site Plan Review (Section VI.F of the Framingham Zoning By-Law)**

Christine Long.....yes  
Lewis Colten.....yes  
Victor Ortiz.....yes  
Thomas Mahoney.....yes  
Stephanie Mercandetti.....yes

By: 

Christine Long, Chair, Framingham Planning Board

Date of Signature: November 21, 2016

## EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Framingham Zoning By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. FORM A – Application Cover Letter, Property Address: 20 & 22 Indian Head Heights, stamped with the Town Clerk on August 29, 2016
2. FORM E- Site Plan Review Application, Property Address: Indian Head Heights, stamped with the Town Clerk on August 29, 2016
3. FORM J – Special Permit for Land Disturbance Application, Property Address: 20 & 22 Indian Head Heights, stamped with the Town Clerk on August 29, 2016
4. Site Plan Review Application Project Narrative, Indian Head Heights Water Storage Tank Replacement, prepared for the Town of Framingham, Massachusetts, prepared by Wright-Pierce, dated August 2016
5. Town of Framingham, MA, Indian Head Heights Water Storage Tank Replacement Site Plan Review Application Project Narrative, prepared by Wright-Pierce, dated July 14, 2016
6. Stormwater Management Plan, Indian Head Heights Water Storage Tank Replacement, prepared for the Town of Framingham, Massachusetts, prepared by Wright-Pierce, dated July 2016
7. Town of Framingham, Massachusetts Department of Public Works contract drawings for Indian Head Heights Water Storage Tank Replacement, 20 & 22 Indian Head Heights, Site Plan Review Submittal, prepared for the Town of Framingham, prepared by Wright-Pierce, dated August 11, 2016
8. Letter from the Town of Framingham Department of Public Works, dated October 27, 2016, received on November 1, 2016

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Special Permit and Site Plan Review Checklist for Application Submittal, Property Address: 20 & 22 Indian Head Heights, dated August 29, 2016, stamped with the Town Clerk on August 29, 2016
2. Land Disturbance Checklist for Application Submittal, Property Address: 20 & 22 Indian Head Heights, dated August 29, 2019, stamped with the Town Clerk on August 29, 2016
3. Project Review Request and Timeline, Re: Departmental Project Review – Project Loaded to ACCELA for 20-22 Indian Head Heights, dated August 29, 2016, stamped with the Town Clerk on August 29, 2016
4. Legal ad for the project at 20 & 22 Indian Head Heights, stamped with the Town Clerk on August 29, 2016, and run in the MetroWest Daily Newspaper on Thursday, September 1, 2016 and Thursday, September 8, 2016

5. Correspondence received via ACCELA from the Police Department, received September 6, 2016
6. Correspondence received via ACCELA from the Building Department, received September 8, 2016
7. Correspondence received via ACCELA from the Fire Department, received September 2, 2016
8. Correspondence received via ACCELA from the Department of Community & Economic Development, received October 5, 2016
9. Letter of comment from the Department of Public Works, Re: Site Plan Review & Special Permit Land Disturbance Permit – 20 Indian Head Heights, Framingham, dated November 7, 2016